

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

January 10, 2012

From time to time, it becomes necessary to review the Rules of the Board of Supervisors and make revisions as appropriate. We have worked with County Counsel in reviewing and identifying several sections which should be revised to improve the way Board meetings are conducted. The recommended revisions are attached.

The essence of the recommended revisions is as follows:

- **Section 10-** Language is added to clarify that a person may be removed from the Board Room for conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting.
- **Section 34-** Language is added to clarify that disruptive behavior is prohibited.
- **Section 34.1-** The current Section 38.1 prohibiting the use of cell phones at Board meetings is renumbered.
- **Section 37-** Moves from the current Section 38 language allowing the Mayor/Chair to limit or increase the amount of time a person has to

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address the Board in the interest of facilitating the business of the Board.

It also adds language clarifying that the Mayor/Chair has the discretion to ask a speaker who has signed up to speak on multiple agenda items to address all of their items at one time instead of calling the person up multiple times. Language regarding Section 10 is deleted.

- **Section 38-** This section is currently Section 39. It is now renumbered and reduces from three minutes to two minutes the amount of time each speaker is allotted to address the Board on non-agenda items (Public Comment) and moves from the current Section 38 language allowing the Mayor/Chair to limit or increase the amount of time a person has to address the Board in the interest of facilitating the business of the Board. Language regarding Section 10 is deleted.
- **Section 39-** This section is currently Section 38. It is now renumbered and separated into subsections a. and b. Language is moved from the current Section 39 and expanded to state that persons addressing the Board should avoid personal attacks, inflammatory language, and derogatory references to race, ethnicity or religion. Language regarding limiting the amount of time a person has to address the Board is deleted and moved to Sections 37 and 38.

**I, THEREFORE, MOVE** that the Board of Supervisors, approve the attached Revisions to the Rules of the Board.

## **RULES OF THE BOARD**

**Section 10. REMOVAL FROM BOARD ROOM.** At the discretion of the Mayor/Chair or upon vote of the Board, the Mayor/Chair may order removed from the Board Room any person who commits the following acts of disruptive conduct in respect to a regular, adjourned regular or special meeting of the Board of Supervisors:

- a. Disorderly, contemptuous or insolent behavior toward the Board or any member thereof, ~~tending to interrupt the due and orderly course of said meeting;~~ which disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting;
- b. A breach of the peace, boisterous conduct or violent disturbance, ~~tending to interrupt the due and orderly course of said meeting;~~ which disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting;
- c. Disobedience of any lawful order of the Mayor/Chair, which shall include an order to be seated or to refrain from addressing the Board; and
- d. Any other unlawful interference with the due and orderly course of said meeting; and

Any person so removed shall be excluded from further attendance at the meeting from which he/she has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Board, and such exclusion shall be executed by the Sergeant-at-Arms upon being so directed by the Mayor/Chair.

- e. In addition, any person so removed on the basis of disruptive conduct described above may not be allowed to address the Board for up to a maximum of ninety (90) days. The period of prohibition from addressing the Board will be determined by the Board Mayor/Chair, or the Board upon a vote, based on the number and severity of prior incidents of disruptive conduct.

**Section 34. DISRUPTIONS.** All demonstrations, including cheering, yelling, whistling, hand clapping and foot stomping, which disrupt, disturb, or otherwise impede the orderly conduct of the meeting are prohibited.

**Section ~~38.1~~ 34.1. USE OF CELL PHONES AND PAGERS DURING BOARD MEETINGS.** All pagers and cell phones belonging to the public, press or County personnel must be placed on vibrate mode or be turned off while a Board meeting is in session.

**Section 37. REQUESTS TO ADDRESS THE BOARD ON AN AGENDA ITEM.** A person requesting to address the Board on an agenda item(s) will be allowed a total of three (3) minutes per meeting. When a person has signed up to speak on multiple

agenda items, the Mayor/Chair has the discretion to ask that the person address all of their items at one time and stay within the three (3) minute time limit. Further, the Mayor/Chair may, in the interest of facilitating the business of the Board, further limit or increase the amount of time which a person may use in addressing the Board. For instance, setting stricter time limits might be necessary in order to allow every member of the public who wishes to address the Board to do so within a total allotted time, or in order to complete a meeting with a lengthy agenda within a reasonable period of time. Requests to be heard must be submitted to the Executive Officer-Clerk of the Board before the item is called. Any individual found to have engaged in disruptive conduct, as defined in section 10 of these Rules, may be prohibited from addressing the Board at future meetings as set forth in section 10 (e).

**Section 39. 38. PUBLIC COMMENT - NON-AGENDA ITEMS.** ~~Notwithstanding any other provision of these rules, members of the public shall have the right to address the Board on items of interest which are within the subject matter jurisdiction of the Board. A person requesting to address the Board on an non-agenda item that is not on the agenda but which is within the subject matter jurisdiction of the Board will be allowed up to three (3) two (2) minutes per meeting. A person addressing the Board shall avoid personalities on an agenda or non-agenda item. Further, the Mayor/Chair may, in the interest of facilitating the business of the Board, further limit or increase the amount of time which a person may use in addressing the Board. For instance, setting stricter time limits might be necessary in order to allow every member of the public who wishes to address the Board to do so within a total allotted time, or in order to complete a meeting with a lengthy agenda within a reasonable period of time. Any individual found to exhibit disruptive conduct, as defined in section 10 of these Rules, may be prohibited from addressing the Board on agenda items and during public comment at future meetings as set forth in section 10 (e).~~

**Section 38. 39. ADDRESSING THE BOARD.**

a. No person shall address the Board until he/she has first been recognized by the Mayor/Chair. The decision of the Mayor/Chair to recognize or not recognize a person may be changed by order of the Board. All persons addressing the Board shall give their names and addresses for the purpose of the record. All persons addressing the Board should avoid personal attacks, inflammatory language, and derogatory references to race, ethnicity or religion. ~~The Mayor/Chair may, in the interest of facilitating the business of the Board, limit the amount of time which a person may use in addressing the Board.~~

b. A person addressing the Board on a matter under the supervision of the Department of Children and Family Services shall not disclose any case identifying information which is made confidential under the provisions of Welfare and Institutions Code sections 827 and 10850. Such person is advised that such matter is not within the subject matter jurisdiction of the Board, that it is not within the power of the Board to alter the outcome of a court matter and that because of confidentiality laws, the Board may not comment on any such matter. Therefore, the Mayor/Chair of the Board shall

request that the person's comments which relate to confidential case identifying information be put into writing and forwarded to the Director of the Children and Family Services Department. The Mayor/Chair or any member of the Board may request the Director to provide the Board with a confidential report on the case.